S.B. CIVIL WRIT PETITION NO.4166/2005

L.I.C. Of India & ors. vs. State of Raj. & ors.

Date : 20.10.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. PR Prajapat, for the petitioner.

Mr. Pradeep Shah, for the respondent no.3.

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Heard learned counsel for the parties.

It appears from the facts of the case that a life insurance policy was obtained by deceased Dilip Singh from the petitioner Life Insurance Corporation (LIC) on 28.3.2001. Dilip Singh expired on 12.8.2002. Dilip Singh's father Moti Singh submitted claim before the LIC for payment of the policy amount. That claim petition was rejected by LIC on the ground that according to LIC, the policy was obtained by suppressing the fact about health of deceased. The respondent no.3 Moti Singh, therefore, submitted a claim petition before Permanent Lok Adalat. The Permanent Lok Adalat, after giving opportunity of hearing to the petitioner, held that the insurance policy was issued by LIC after obtaining medical report from the doctor. In view of the above, the LIC is bound to pay the amount of policy to the claimant. Substantially the ground of denial of the claim is that the insured suppressed certain facts about his health from LIC and obtained insurance policy. This fact appears to be found wrong by

the Permanent Lok Adalat and otherwise also, the controversy has already been decided by the Division Bench of this Court in the judgment dated 26.7.2005 delivered in D.B. Civil Special (Writ) No.303/2005 (Sr.Divisional Manager, Bikaner vs. Anter Singh and others).

Accordingly, this writ petition having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya